

STINSON MORRISON HECKER LLP
Attorneys for Reorganized Debtors
1201 Walnut Street
Kansas City, MO 64106
Telephone: (816) 842-8600
Facsimile: (816) 691-3495
Mark A. Shaiken, Esq.
Andrew W. Muller, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:	
	:	Chapter 11
WORLDCOM, INC., et al.,	:	Case No. 02-13533 (AJG)
	:	
	:	(Jointly Administered)
	:	
Debtors.	:	
	:	
MCI WORLDCOM	:	
COMMUNICATIONS, INC. f/k/a	:	
WORLDCOM TECHNOLOGIES, INC.,	:	
	:	
Plaintiff / Appellee	:	
	:	
v.	:	Adversary Proceeding No. 04-04338 (AJG)
	:	
COMMUNICATIONS NETWORK	:	
INTERNATIONAL, LTD.,	:	
	:	
Defendant / Appellant	:	
-----	X	

**APPELLEE'S DESIGNATION OF ADDITIONAL
ITEMS TO BE INCLUDED IN RECORD ON APPEAL**

Pursuant to Fed. R. Bankr. P. 8006, the above-captioned Appellee, MCI Worldcom Communications, Inc. n/k/a MCI Communication Services, Inc. ("WorldCom") submits the following Designation of Additional Items to be Included in the Record on Appeal.

INTRODUCTION

1. On July 8, 2008, Communications Network International, Ltd. ("CNI") filed a notice of appeal (dkt. no. 89) of the Bankruptcy Court's order dated April 4, 2006, granting WorldCom's Motion for Judgment on the Pleadings (dkt. no. 36).¹

2. Thereafter, CNI filed its designation of items to be included in this appeal and its statement of the issues pursuant to Fed. R. Bankr. P. 8006 (the "Designation").

3. WorldCom hereby submits its Designation of Additional Items to be Included in the Record on Appeal (the "Counter-Designation").

ADDITIONAL ITEMS TO BE DESIGNATED FOR RECORD ON APPEAL

4. Order signed on October 31, 2003 Confirming Debtors' Modified Second Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code with attached Debtors' Modified Second Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code, Dated October 21, 2003. (**Case No. 02-13533, Docket No. 9686**).

5. Proof of Claim 22183 filed by CNI in Case No. 02-13533.

6. WorldCom's Twenty-Eighth Omnibus Objection to Proofs of Claim, including claim of CNI, filed September 8, 2004. (**Case No. 02-13533, Docket No. 12407**).

7. CNI's Response to WorldCom's Twenty-Eighth Omnibus Objection to Proofs of Claim. (**Case No. 02-13533, Docket 12604; Case No. 04-4338, Docket No. 4, Exhibit B**).

8. October 12, 2004, Complaint and Claim Objection by WorldCom against CNI. (**Case No. 04-4338, Docket No. 1**).

¹ CNI filed two notices of appeal in the above-captioned adversary proceeding (Dkt. Nos. 88, 89). Thereafter CNI filed two separate designations – one for each appeal. As a consequence, WorldCom hereby files two separate counter-designations.

9. July 19, 2002, Complaint filed by WorldCom against CNI in the United States District Court for the Eastern District of Pennsylvania. **(Case No. 04-4338, Docket No. 1, Exhibit A).**

10. February 14, 2001, Complaint filed by WorldCom against CNI in the United States District Court for the Eastern District of Pennsylvania. **(Case No. 04-4338, Docket No. 1, Exhibit B).**

11. Rebiller Agreement between WorldCom and CNI. **(Case No. 04-4338, Docket No. 1, Attachment to Ex. B).**

12. CNI's Answer to Complaint and Claim Objection. **(Case No. 04-4338, Docket No. 4).**

13. April 4, 2001, Answer and Counterclaim by CNI in Case No. 01-762. **(Case No. 04-4338, Docket No. 4, Exhibit A, Docket No. 11, Exhibit B).**

14. Scheduling Order signed on 2/14/2005 regarding claim no. 22183. **(Case No. 04-4338, Docket No. 10).**

15. WorldCom's Motion for Judgment on the Pleadings and Memorandum of Law in Support. **(Case No. 04-4338, Docket No. 11)**

16. Complaint by WorldCom against CNI in the United States District Court for the Eastern District of Pennsylvania, Case No. 01-762. **(Case No. 04-4338, Docket 11, Exhibit A)**

17. August 28, 2001, Order referring Case No. 01-762 from the Eastern District of Pennsylvania to the FCC. **(Case No. 04-4338, Docket No. 11, Exhibit C).**

18. March 28, 2002, letter from the Federal Communications Commission ("FCC") to Mark Mullineaux. **(Case No. 04-4338, Docket No. 11, Exhibit D).**

19. May 2, 2002, letter from the FCC to CNI and to WorldCom. **(Case No. 04-4338, Docket No. 11, Exhibit E).**

20. WorldCom FCC Tariff No. 1. **(Case No. 04-4338, Docket No. 11, Exhibit F).**

21. WorldCom FCC Tariff No. 2. (**Case No. 04-4338, Docket No. 11, Exhibit G; Docket 25, Exhibit A**).

22. CNI's Motion to Allow Responses nunc pro tunc to Certain Paragraphs of Complaint. (**Case No. 04-4338, Docket 14**).

23. CNI's Cross Motion for Judgment on the Pleadings. (**Case No. 04-4338, Docket No. 16**).

24. WorldCom's Motion to File Answer and Affirmative Defenses to Counterclaims nunc pro tunc filed in Case No. 01-672. (**Case No. 04-4338, Docket 16, Exhibit A**).

25. July 30, 2002, order by the United States District Court for the Eastern District of Pennsylvania, Case No. 01-762. (**Case No. 04-4338, Docket 16, Exhibit B**).

26. CNI's Memorandum of Law in Opposition to WorldCom's Motion for Judgment on the Pleadings. (**Case No. 04-4338, Docket No. 19**).

27. Document entitled "WorldCom and Communications Network International LTD.'s Tariff Agreement". (**Case No. 04-4338, Docket No. 19, Exhibit A**).

28. Court Order of November 2, 2001, by the United States District Court for the Eastern District of Pennsylvania, Case No. 01-762. (**Case No. 04-4338, Docket No. 19, Exhibit B**).

29. Order of the State of Vermont, Public Service Board, Docket No. 6331, April 20, 2000. (**Case No. 04-4338, Docket No. 19, Exhibit C**).

30. Intelenet Agreement between WorldCom and CNI. (**Case No. 04-4338, Docket No. 19, Exhibit D**).

31. July 30, 2002, Order in by the United States District Court for the Eastern District of Pennsylvania, Case No. 01-762. (**Case No. 04-4338, Docket No. 19, Exhibit E**).

32. WorldCom's Memorandum of Law in Opposition to CNI's Motion to File Responses nunc pro tunc. **(Case No. 04-4338, Docket No. 20).**

33. WorldCom's Memorandum of Law in Opposition to CNI's Cross-Motion for Judgment on the Pleadings. **(Case No. 04-4338, Docket No. 22).**

34. CNI's reply to WorldCom's Opposition to CNI's Motion to File Response nunc pro tunc and Opposition to Motion for Judgment on the Pleadings. **(Case No. 04-4338, Docket No. 24).**

35. WorldCom's Reply Memorandum to CNI's Opposition to Motion for Judgment on the Pleadings. **(Case No. 04-4338, Docket No. 25).**

36. CNI's Sur-Reply to Motion for Judgment on the Pleadings. **(Case No. 04-4338, Docket No. 27).**

37. FCC Order Released November 17, 2000, Docket #96-61. **(Case No. 04-4338, Docket No. 27, attached as Exhibit A).**

38. Declaration of Curtis Cooke. **(Case No. 04-4338, Docket 27, attached as Exhibit B).**

39. WorldCom's Response to CNI's Sur-Reply to WorldCom's Reply Memorandum. **(Case No. 04-4338, Docket No. 29).**

40. Opinion Signed on 3/13/2006 (i) Granting In Part and Denying In Part the Plaintiff's Motion for Judgment on the Pleadings, (ii) Granting the Defendant's Motion to File Nunc Pro Tunc Responses to Certain Paragraphs of the Complaint, and (iii) Denying the Defendant's Cross-Motion for Judgment on the Pleadings. **(Case No. 04-4338, Docket No. 33).**

41. Order signed on 4/4/2006 granting in part and denying in part plaintiff's motion for judgment on the pleadings, granting defendant's motion to file nunc pro tunc responses to certain

paragraphs of the complaint, and denying defendant's cross-motion for judgment on the pleadings. **(Case No. 04-4338, Docket No. 36).**

42. Notice of Appeal filed by CNI on July 8, 2008. **(Case No. 04-4338, Docket No. 88).**

43. All other items designated by CNI or as may be required based on CNI's arguments on appeal.

Dated July 31, 2008.

Kansas City, Missouri

Respectfully submitted,

STINSON MORRISON HECKER LLP

By: /s/ Mark A Shaiken

Mark A. Shaiken, Esq.
Andrew W. Muller, Esq.
1201 Walnut Street, Suite 2800
Kansas City, MO 64106
(816) 842-8600 – Telephone
(816) 691-3495 – Facsimile

ATTORNEYS FOR APPELLEE

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2008, I electronically filed the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system, which sent notification of such filing to all parties receiving electronic means, and by email to:

W. Mark Mullineaux, Esq.
794 Penllyn Pike
Blue Bell, PA 19422
Attorneys for the Defendant

/s/ Mark A Shaiken
Attorney for Plaintiff